

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**JASON ALLEN WHELCHER
#265137**

PLAINTIFF

v.

No: 3:20-cv-00277 KGB-PSH

KEITH BOWERS

DEFENDANT

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Recommendation has been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

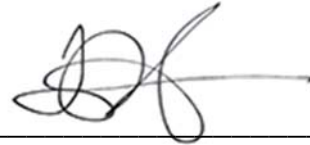
Plaintiff Jason Allen Whelchel filed a *pro se* complaint on September 11, 2020 (Doc. No. 2). On September 25, 2020, the Court entered an order directing Whelchel to submit the full \$400.00 filing and administrative fees or file a fully completed IFP application within 30 days. *See* Doc. No. 5. Whelchel was cautioned that failure to

comply with the Court's order within that time would result in the recommended dismissal of his case.

More than 30 days have passed, and Whelchel has not complied or otherwise responded to the September 25 order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

It is therefore recommended that Whelchel's complaint (Doc. No. 2) be dismissed without prejudice.

DATED this 16th day of November, 2020.

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a small flourish.

UNITED STATES MAGISTRATE JUDGE